

### **REMARKS**

In response to the Office Action, dated July 28, 2005, Applicants respectfully request reconsideration of the prior art rejections set forth by the Examiner under 103. Applicants submit that the references of record whether considered alone or in combination fail to either teach or suggest Applicants' presently claimed invention.

The CAFC held in *Teleflex, Inc. v. KSR Intn'l Co.*, (applicant acknowledges that the opinion is nonprecedential), there to be a requirement that the prior art contain a suggestion to combine. *Teleflex, Inc. v. KSR Intn'l Co.*, 119 Fed. Appx. 282; 2005 U.S. App. LEXIS 176. This and other patent law clearly show that it would be improper to assert that the presently claimed invention is obvious based upon the cited U.S. Patent No. 5,623,613 to Rowe; U.S. Patent No. 6,281,898 to Nikolovska et al.; U.S. Patent No. 6,172,677 to Stautner et al.; and U.S. Patent No. 6,536,041 to Knudson et al. references. The law is clear: combinations of existing elements are nonobvious, and therefore are patentable, unless some specific "teaching, suggestion, or motivation" to combine those elements is found in the cited references. Neither one of the presently cited 35 USC 103 references contain a suggestion to combine. In addition, "[C]ombining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability, the essence of hindsight." In re Dembiczak, 50 USPQ2d, 1614, 1617 (1999).

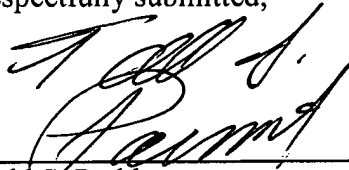
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Amdt. Dated January 27, 2006  
Reply to Office Action of July 28, 2005

Applicants respectfully submits that all claims now stand in condition for allowance.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-1794.

Respectfully submitted,

Date: 20 Jan 06



(Reg. # 26,494)

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